

Permitting & Assistance Branch Staff Report
Modified Solid Waste Facilities Permit for the
Southeast Resource Recovery Facility (SERRF)
SWIS No. 19-AK-0083
August 18, 2015

Background Information, Analysis, and Findings:

This report was developed in response to the Los Angeles County Department of Public Health Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed modified Solid Waste Facilities Permit (SWFP) for the Southeast Resource Recovery Facility (SERRF), SWIS No. 19-AK-0083, located in the City of Long Beach and owned by the SERRF Joint Powers Authority (JPA) and operated by the City of Long Beach. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on December 31, 2014. To address deficiencies in the Report of Station Information, the operator waived the statutory timelines on February 11, 2015 to August 10, 2015. A new proposed permit was received on July 31, 2015. The operator again waived the statutory timeline on August 5, 2015 to August 31, 2015. Action must be taken by September 29, 2015. If no action is taken by September 29, 2015, the Department will be deemed to have concurred with the issuance of the proposed modified SWFP.

Proposed Changes:

The following changes to the first page of the permit are being proposed:

	Current Permit (1998)	Proposed Permit
Name and Street Address of Facility	Southeast Resource Recovery Facility 120 Henry Ford Avenue Long Beach, California 90802	Southeast Resource Recovery Facility (SERRF) 118 Pier S Ave Long Beach, CA 90802
Name and Mailing Address of Operator	City of Long Beach 120 Henry Ford Avenue Long Beach, CA 90802 Charles R. Tripp, Energy Recovery Bureau Mgr.	City of Long Beach 120 Pier S Ave Long Beach, CA 90802
Permitted Area (acres)	17.2	15

Other Changes:

Updates to the following sections for the SWFP: "Findings," "Prohibitions," "Documents," "Self-Monitoring," and "LEA Conditions" including rewording, additions and/or deletions for the purpose of updating and/or clarifying to reflect the proposed changes.

Key Issues:

The proposed permit will allow for the following (Note that the proposed reduction in acreage was originally an unpaved area that was not used by the facility. The acreage was reduced due to the realization of a road expansion project. The address changes are also a result of the road expansion and did not result in a physical change of the facility address. Therefore, the change in acreage did not affect or impact the facility's approved design or operation and is considered a "Nonmaterial change," pursuant to 27 CCR 21563(d)(5).):

1. Decrease the permitted acreage for transfer and transformation from 17.2 to 15 acres.
2. Correct the facility address from 120 Henry Ford Avenue to 118 Pier S Ave.
3. Correct the operator address from 120 Henry Ford Avenue to 120 Pier S Ave.
4. The LEA condition related to the load-checking program was updated due to a recent change in the Los Angeles County LEA's standards for load-checking (from a minimum of one load-check per day to a minimum of one load-check per every 500 tons of waste or its portion thereof received at the facility per operating day).

Background

SERRF is located at 118 Pier S Avenue, in the City of Long Beach. The City of Long Beach, and its JPA partner, the County Sanitation District No. 2 of Los Angeles County, own SERRF. The City of Long Beach leases the facility from the JPA and has hired Covanta Renewable Energy Long Beach (Covanta) to operate SERRF under the City's reasonable charge.

SERRF is operated as a Transformation Facility and Large Volume Transfer/Processing Facility. A mixture of non-hazardous solid waste, consisting of mixed municipal solid waste, green waste and narcotics confiscated by law enforcement is combusted in specially designed boilers to reduce the bulk of such waste and to produce steam for generation of electricity. Use of a community-based recycling program is being implemented to remove and recycle materials prior to collection. SERRF is also capable of transferring waste directly to approved landfills when the receiving and storage capacity is full or unable to process.

Oversized white goods and metals are salvaged from the tipping floor, and residual metal is recovered from conditioned bottom ash that remains after combustion.

Findings:

Staff recommends concurrence in the issuance of the proposed modified SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their initial permit submittal letter dated December 31, 2014. However, CalRecycle staff determined during review that the Report of Station Information (RSI) did not meet the requirements of 14 CCR 18221.6. Comments on the RSI were submitted to the LEA on February 2, 2015. Comments have been addressed in the July 2015 RSI. The LEA provided a certification in their permit re-submittal letter dated July 31, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on July 29, 2014. The LEA provided a copy to the Department on July 29, 2014. The changes identified in the review are reflected in this permit modification.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on July 31, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on December 31, 2014, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Countywide Siting Element, as described in their memorandum dated January 12, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with operating and design requirements during an inspection conducted on May 13, 2015. See Compliance History section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit re-submittal letter dated July 31, 2015, that the proposed permit is consistent with and supported by the existing CEQA documentation. Since the 1981 FEIR referenced in the permit modification package only analyzed a 10 acre site and 900 TPD, and the governing SWFP issued on March 3, 1998 includes a permitted area of 17.2 acres and permitted maximum tonnage of 2,240 TPD, the LEA filed a Notice of Exemption (NOE) with the County Clerk on February 19, 2015. See Environmental Analysis section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was not required to be held since this is a proposed permit modification, not a new or revised permit. A public notice was posted by the LEA on October 31, 2014. No comments were received by LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that an NOE is the appropriate level of CEQA documentation to support the Branch Chief's action on the proposed modified SWFP. Department staff will file an NOE with the State Clearinghouse after concurrence.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on May 13, 2015 and found that the facility is in compliance with applicable state minimum standards and permit conditions.

Below are the details of the facility's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2010 – 2015 - No violations were noted.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must make a determination as to whether this modified SWFP is categorically or statutorily exempt or additional CEQA analysis is necessary.

The LEA prepared a Notice of Exemption on February 19, 2015 in order to decrease the permitted facility acreage. The LEA determined that since there were no impacts to the facility or its operation, it is not expected that any significant environmental impacts would result from the reduction of the facility acreage. The LEA determined that since this is an existing facility, and it continues to operate as it has, the project is considered exempt from CEQA requirements.

The LEA has determined that, pursuant to 14 CCR, Section 15301, this permit application would fall under Categorical Exemption, Class 1 – Existing Facilities. This Categorical Exemption allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private, facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's

initial approval of the project. A Notice of Exemption was filed with the Los Angeles County Clerk on February 19, 2015.

Department staff determined that a Categorical Exemption, 14 CCR, Section 15301-Existing Facilities is adequate for the Department's concurrence on this modified SWFP. Staff's finding is based on the premise that there is "negligible or no expansion of use beyond that existing at the time of the lead agency's determination."

Staff recommends that the Department, acting as a Responsible Agency under CEQA, prepare a Notice of Exemption, based on the Categorical Exemption for existing facilities, to be filed with the State Clearinghouse after the Department's concurrence of the modified SWFP in that the proposed permit is to be issued to an existing facility that will not expand or significantly change its operations beyond that existing. Further, there are no grounds under CEQA for the Department to prepare an environmental document or assume the role of Lead Agency for its consideration of the proposed modified SWFP.

Department staff further recommends the Categorical Exemption is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and authority, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed modified SWFP and all of its components and supporting documentation, this staff report, the Notice of Exemption, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed modified SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

A public notice was posted by the LEA on October 31, 2014. No written or verbal comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meetings on January 27, 2015, February 17, 2015, and August 18, 2015. Department staff has not received any comments.